

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ISMAEL MELENDEZ,

Petitioner,

- v -

**Civil No. 9:03-CV-00051
(TJM/RFT)**

**DAVID L. MILLER, Superintendent, Eastern
Correctional Facility,**

Respondent.

Thomas J. McAvoy, Senior U.S. District Judge

DECISION & ORDER

This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. Randolph F. Treece, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

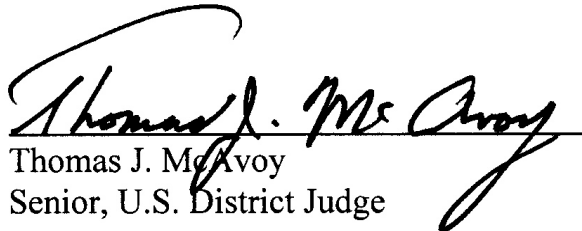
No objections to the Report-Recommendation and Order dated May 12, 2006 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is therefore

ORDERED that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED**.

IT IS SO ORDERED.

Dated: September 18, 2006


Thomas J. McAvoy
Senior, U.S. District Judge